

Central Intelligence Agency



Washington, D.C. 20505

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JUL 17 2007

Mark S. Zaid, Esquire
The James Madison Project
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D. C. 20036

APPROVED FOR
RELEASE DATE:
18-Aug-2010

Reference: F-2007-01615

Dear Mr. Zaid:

On 6 July 2007, the office of the Information and Privacy Coordinator received your 6 July 2007 Freedom of Information Act (FOIA) request for:

"Copies of any and all declarations or affidavits filed by the Director (or his designee) of the Central Intelligence Agency ("CIA") in the following lawsuits wherein the state secrets privilege was invoked:

- (1) Heine v. Raus, 261 F. Supp. 570 (D.Md. 1966) or its progeny: 399 F.2d 785 (4th Cir. 1968), 305 F. Supp. 816 (D. Md. 1969), 432 F.2d 1007 (4th Cir. Md. 1970)
- (2) Halkin v. Helms, Civil Action No. 75-1773 (D.D.C.), 690 F.2d 977 (D.C. Cir. 1982)
- (3) Foster v. United States, 12 Cl. Ct. 492 (1987)"

We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

We accept your request and will process it according to the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. Unless you object, we will limit our search to CIA-originated records existing through the date of this acceptance letter.

Based on the information provided in your letter, we determined that your request falls into the "all other" fee category, which means that you will be required to pay charges that recover the cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two hours of search time, which will be furnished free. Copying costs will be assessed at the rate of ten cents per page.

I must consider your request for a fee waiver under the standards the Agency FOIA regulations outline, which you will find at Part 1900 of Title 32 of the Code of Federal Regulations (CFR). I have reviewed your request under those standards and determined that your petition does not meet them because disclosing the information you seek is not likely to contribute significantly to public understanding of the operations and activities of the United States Government. I therefore deny your request for a fee waiver.

You may appeal this decision, in my care, within 45 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

The large number of FOIA requests CIA receives has created unavoidable delays making it unlikely that we can respond within the 20 working days the FOIA requires. You have the right to consider our honest appraisal as a denial of your request and you may appeal to the Agency Release Panel. A more practical approach would permit us to continue processing your request and respond to you as soon as we can. You will retain your appeal rights and, once you receive the results of our search, can appeal at that time if you wish. We will proceed on that basis unless you object.

Sincerely,

SCOTT KOCH

Information and Privacy Coordinator

